

Copy of the Pending Claims:

This listing of claims is a courtesy copy of the pending claims. No amendments have been made in this Reply.

Listing of Claims:

- 1 1. (original) A method for establishing headroom for a mobile station operating in a wireless communication system comprising the steps of:
  - 3 determining a communication channel variance condition; and
  - 4 establishing a headroom value based on the communication channel variance condition.
- 1 2. (original) A method according to claim 1 wherein a mobile station performs the steps of determining and establishing.
- 1 3. (original) A method according to claim 2 wherein the mobile station determines a maximum data rate based on the headroom value and sends the maximum data rate to a base station.
- 1 4. (original) A method according to claim 2 wherein the mobile station determines a maximum data rate based on the headroom value and sends a rate adjustment request to a base station.
- 1 5. (original) A method according to claim 2 further comprising the steps of:
  - 2 detecting a battery condition of the mobile station; and
  - 3 modifying the headroom value based on the battery condition.

1 6. (original) A method according to claim 5 wherein the step of modifying the  
2 headroom value based on the battery condition comprises:

3       determining if the battery condition relates to a low battery level; and

4            if the battery condition relates to a low battery level, increasing the

5       headroom value.

1 7. (original) A method according to claim 2 wherein the step of determining a  
2 communication channel variance condition includes measuring a variance in a primary  
3 pilot power.

1 8. (original) A method according to claim 1 wherein a base station performs the  
2 steps of determining and establishing.

1 9. (original) A method according to claim 8 wherein the step of determining a  
2 communication channel variance condition includes examination of an inner loop  
3 power control bit stream.

1 10. (original) A method according to claim 8 further comprising the step of:  
2       sending the headroom value to the mobile station.

1 11. (original) A method according to claim 8 further comprising the step of:  
2       determining a data rate assignment for a mobile station using the headroom  
3       value and sending the data rate assignment to the mobile station.

1 12. (original) A mobile station comprising:  
2       means for determining a communication channel variance condition; and  
3       means for establishing a headroom value based on the communication channel  
4       variance condition.

- 1 13. (original) A mobile station according to claim 12 further comprising:  
2 means for determining a maximum data rate based on the headroom value; and  
3 means for sending the maximum data rate to a base station.
  
- 1 14. (original) A mobile station according to claim 12 further comprising:  
2 means for determining a maximum data rate based on the headroom value; and  
3 means for sending a rate adjustment request to a base station.
  
- 1 15. (original) A mobile station according to claim 12 further comprising:  
2 means for detecting a battery condition of the mobile station; and  
3 means for modifying the headroom value based on the battery condition.
  
- 1 16. (original) A wireless communication system comprising:  
2 a base station;  
3 at least one mobile station;  
4 means for determining a communication channel variance condition; and  
5 means for establishing a headroom value based on the communication channel  
6 variance condition.
  
- 1 17. (original) A wireless communication system according to claim 16 further  
2 comprising:  
3 means for determining a data rate based on the headroom value.
  
- 1 18. (original) A wireless communication system according to claim 17 further  
2 comprising:  
3 means for sending the data rate between the base station and said at least one  
4 mobile station.

1 19. (original) A wireless communication system according to claim 16 further  
2 comprising:

3 means for determining a battery condition of said at least one mobile station; and  
4 means for modifying the headroom value based on the battery condition.

1 20. (original) A wireless communication system according to claim 19 further  
2 comprising:

3 means for determining a data rate based on the headroom value; and  
4 means for sending the data rate between said at least one mobile station and the  
5 base station.